

# IN THE HIGH COURT OF SINDH, AT KARACHI

Criminal Appeal No. 243 of 2023

Appellant: Luqman Hakeem through Mr. Jamroz Khan Afridi,  
advocate

The State: Mr. Khadim Hussain Khuharo, Additional Prosecutor  
General for the State

Date of hearing: 31.08.2023

Date of judgment: 31.08.2023

## J U D G M E N T

**IRSHAD ALI SHAH, J-** It is alleged that the appellant with rest of the culprits robbed complainant Muhammad Farhan of his cash worth Rs.4,40,000/-, for that he was booked and reported upon by the police. On conclusion of trial, he was convicted u/s. 397 PPC and sentenced to undergo rigorous imprisonment for 07 years, with benefit of Section 382(b) Cr.P.C by learned IXth-Additional Sessions Judge, Karachi South vide judgment dated 18.04.2023, which he has impugned before this Court by way of the instant Criminal Appeal.

2. At the very outset, it is stated by learned counsel for the appellant that under instructions he would not press the disposal of the instant Crl. Appeal before this Court on merits, provided the sentence awarded to the appellants is reduced to rigorous imprisonment for three years with fine by modifying the penal Section with one under Section 392 PPC, which obviously is made out, which is not opposed by learned Addl. PG for the State.

3. Heard arguments and perused record.

4. Apparently, no weapon was used by the appellant while committing the alleged robbery, which obviously constitutes an offence punishable under Section 392 PPC, therefore, the punishment awarded to the appellant is modified with one under Section 392 PPC; consequently, he for the said offence is sentenced to undergo rigorous imprisonment for 03 years and to pay fine of Rs.5,000/- and in default whereof to undergo simple imprisonment for 10 days with benefit of Section 382(b) Cr.P.C.

5. The instant Crl. Appeal is disposed of subject to above modification.

JUDGE